

Dear Senators TIPPETS, Patrick, Schmidt, and  
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Idaho Certified Shorthand Reporters Board:

IDAPA 49.01.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board (Docket  
No. 49-0101-1401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/20/2014. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/18/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

**FROM:** Senior Legislative Research Analyst - Ryan Bush

**DATE:** September 30, 2014

**SUBJECT:** Idaho Certified Shorthand Reporters Board

IDAPA 49.01.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board (Docket No. 49-0101-1401)

The Idaho Certified Shorthand Reporters Board submits notice of proposed rulemaking at IDAPA 49.01.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board. The Board states that this rulemaking establishes clear standards and content for the examination for shorthand reporters and further clarifies qualifications for a temporary permit. Specifically, this rule revises terminology, allows for a certified shorthand reporter certificate or its equivalent as evidence of qualification for a temporary permit and provides a time frame for the segments of the skills portion of the exam.

The Board states that negotiated rulemaking was not conducted because these changes were discussed during open meetings and will benefit applicants in preparing for the exam. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Board in Section 54-3107, Idaho Code.

cc: Idaho Certified Shorthand Reporters Board  
Tana Cory

## IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD

### 49.01.01 - RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 49-0101-1401

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-3107 and 54-3108, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rules are being amended to clarify the nature and scope of the examination, segments of the examination, and temporary permit. These amendments are necessary to establish clear standards for the examination, its content and further clarify qualifications for a temporary permit.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the amendments are needed to clarify the scope of the examination, segments of the examination, and temporary permits. This change will benefit the applicants in preparing for the examination. These changes were discussed during noticed, open meetings of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
208 334-3233 fax 208 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 49-0101-1401**  
**(Only those Sections being amended are shown.)**

**300. EXAMINATIONS.**

- 01. Examination Process.** (4-6-05)
- a.** Late applicants shall not be admitted to the examination room. (1-1-97)
- b.** Picture identification shall be shown by all applicants before taking an examination. (4-6-05)
- c.** Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized material or devices during the examination is strictly prohibited. (1-1-97)
- d.** Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room. (4-9-09)
- 02. Scope of Examination.** (7-1-93)
- a.** The complete examining procedure for certification as a certified shorthand reporter consists of two (2) sections. The first section is the written examination covering subjects as are ordinarily given in a school of court reporting and which are common to all fields of practice. The second section is the skills portion which shall consist of the following ~~“takes”~~ segments and speeds. ~~(1-1-97)( )~~
- i. Question and Answer -- Five (5) minutes at 21two hundred twenty-five (225) words per minute. ~~(1-1-97)( )~~
- ii. Jury Charge -- Five (5) minutes at 21two hundred (200) words per minute. ~~(1-1-97)( )~~
- iii. Literary -- Five (5) minutes at 18one hundred eighty (180) words per minute. ~~(1-1-97)( )~~
- iv. Density of Exam -- The syllabic content of the dictated exam shall be one point four (1.4). (7-1-93)
- ~~**b.** Examination prepared and graded by the National Court Reporters Association (NCRA) may be used by the Board. (1-1-97)~~
- ~~**b.** The examination is the same for all applicants. (7-1-93)( )~~
- ~~**c.** The examining committee which shall consist of the three C.S.R. Board members, shall inform applicants of the approximate time allowed for typing the skills portion of the examination. (1-1-97)~~
- ~~**d.** These “takes”The written examination and the three (3) skills segments can be passed individually for the Idaho examination. (4-6-05)( )~~
- 03. Grading.** (7-1-93)
- a.** Each applicant must attain a grade of seventy-five percent (75%) or above to pass the written examination and ninety-five percent (95%) or above in each ~~“take”~~ segment to pass the skills portion. ~~(1-1-97)( )~~
- b.** Every applicant receiving a grade of less than seventy-five percent (75%) in the written examination shall be deemed to have failed such examination and shall have the application denied without prejudice. (1-1-97)

c. Every applicant receiving a grade of less than ninety-five percent (95%) in each “take” of the skills segments of the examination shall be deemed to have failed such examination and shall have the application denied without prejudice. ~~(1-1-97)~~( )

d. An applicant failing either the written section, or the skills portion, and having filed a new application for examination, shall be required to take and pass within a two-year period only the section for which a failing grade was received. (1-1-97)

**04. Inspection of Examination.** (7-1-93)

a. An applicant who fails to obtain a passing grade in the skills portion may inspect his/her examination papers at such times and locations as may be designated by the Board. Inspection of such examination papers shall be permitted within a thirty (30) day period after receipt of notice by the applicant of his/her failure to pass the examination. (1-1-97)

b. At the time of inspection no one other than the examinee or his/her attorney and a representative of the Board shall have access to such examination papers. (1-1-97)

**05. Inspection Review.** (7-1-93)

a. Within thirty (30) days after the date notice of the results of the examination has been mailed to him/her, an applicant who was unsuccessful in the examination may petition the Board for a review of his/her examination papers. (1-1-97)

b. The petition for review shall be made in writing stating the reason for such review and citing the item or items against which the request is directed. (7-1-93)

c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (1-1-97)

**06. Retention of Examinations.** The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (1-1-97)

**301. -- 399. (RESERVED)**

**400. TEMPORARY PERMIT.**

**01. Eligibility.** (7-1-93)

a. Any one (1) or more of the following shall be considered as minimum evidence that the applicant is qualified to hold a temporary certificate permit: ~~(7-1-93)~~( )

i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); (3-14-11)

ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); (3-14-11)

iii. Hold a Certified Shorthand Reporter certificate, or its equivalent in good standing from another state; ~~(7-1-93)~~( )

iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (7-1-93)

v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state. (1-1-97)

- b. The applicant shall in addition: (7-1-93)
  - i. Have graduated from an accredited high school, or have had an equivalent education. (7-1-93)
  - ii. Be of good moral character, and have filed a complete application with the Board, accompanied by the required fees, as set forth in these rules. (4-9-09)
- 02. ~~Certificate~~**Permit**. All temporary permits shall be issued for a period of one (1) year and may be renewable for a single additional year if, before the permit expires, the permit holder: ~~(3-14-11)~~( )
- a. Submits a written renewal request to the Board; (3-14-11)
- b. Establishes that they have passed at least one (1) skills ~~portion~~ **segment** of the Idaho Certified Shorthand Reporter Examination, the Registered Professional Reporter Examination (RPR), or the Registered Merit Reporter Examination (RMR) ~~examination~~; and ~~(3-14-11)~~( )
- c. Pays the required fees as set forth in this Chapter. (3-14-11)